

1 ALICE CHANG (SBN 239761)  
2 alicechangjdba@gmail.com  
3 13048 Del Monte Dr, Apt 42F  
4 Seal Beach, CA 90740  
5 Telephone: (714) 507-6161

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8 Attorneys for Plaintiffs-Relators  
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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

**UNITED STATES OF AMERICA**  
*ex rel. IONM LLC*, a Delaware corporation and *ex rel. JUSTIN CHEONGSIATMOY, M.D.*; **STATE OF CALIFORNIA** *ex rel. IONM LLC*, a Delaware corporation and *ex rel. JUSTIN CHEONGSIATMOY, M.D.*; **LOS ANGELES COUNTY** *ex rel. IONM LLC*, a Delaware corporation and *ex rel. JUSTIN CHEONGSIATMOY, M.D.*; and **JUSTIN CHEONGSIATMOY, M.D.**, in his individual capacity,

Plaintiffs,

v.

**UNIVERSITY OF SOUTHERN CALIFORNIA**, a California corporation,

and

**USC CARE MEDICAL GROUP, INC.**, a California corporation,

Defendants.

Case No. 2:18-cv-08311-WLH (AS)

**NOTICE OF NO RESPONSE FROM DEFENDANTS RE: DEADLINE CERTAIN FOR DEFENDANTS' SETTLEMENT OFFER; RELATOR URGES THE GOVERNMENTS TO IMMEDIATELY INTERVENE OR RELATOR MAY HAVE NO CHOICE BUT TO SEEK DEFAULT JUDGMENT AGAINST DEFENDANTS GIVEN DEFENDANTS' CONTINUED INSISTENCE ON LITIGATION AND THREATS OF SANCTIONS AGAINST RELATOR**

PLEASE TAKE NOTICE that instead of responding to Attorney Chang's Request to email Attorney Chang with a Deadline Certain for Defendants' Settlement Offer (Dkt. 282), Defendants insist on continued litigation and threaten to seek sanctions against Relator (Exhibit A); Relator urges the Governments to immediately intervene or Relator may have no choice but to seek Default Judgement against

1 Defendants as to claims outlined in Relator's Complaint filed at Dkt. 210.

2 The case docket shows that on March 3, 2023, Plaintiff-Relators filed the  
 3 operative Fifth Amended Complaint (Dkt. 210). Under Rule 12(a)(4), unless the Court  
 4 sets a different time, Defendants were required to plead or otherwise respond to the  
 5 Complaint by March 17, 2023, yet Defendants did not file any answer to the Complaint  
 6 until March 24, 2023. See Dkt. 214. The case docket further shows Defendants never  
 7 filed on the docket for Court approval any request and/or stipulation for extension of  
 8 time for Defendants to plead or otherwise respond to the Complaint.

9 Defendants never sent any draft stipulation for a continuance, and even then, a  
 10 continuance of a deadline to respond to the Complaint must have been granted by  
 11 Court Order prior to the expiration of the deadline for response. See Rule 12(a)(4).

12 The Court Order at Dkt. 272 cites *United States ex rel. Killingsworth v.*  
 13 *Northrop Corp.*, 25 F.3d 715, 722 (9th Cir. 1994) noting Congress' intent "to place  
 14 full responsibility for False Claims Act litigation on private parties, absent  
 15 early intervention by the government or later intervention for good cause..." With  
 16 the right to litigate on behalf of the Governments, Relator could have immediately  
 17 sought a Default Judgment against Defendants as to the claims in the Relator's Fifth  
 18 Amended Complaint (Dkt. 210) but refrained from doing so because Mark  
 19 Hardiman ("the only attorney who has been provided the authority by USC to  
 20 negotiate and resolve this case through settlement," Decl. of Mark Hardiman filed at  
 21 Dkt. 258) represented a formal offer addressing all the issues raised by Relator was  
 22 forthcoming.

23 Instead, Defendants have made their intentions clear by refusing to provide  
 24 Attorney Chang with a deadline certain for Defendants' settlement offer; Defendants  
 25 instead are threatening to compel discovery on information the Governments have  
 26 not consented to disclosing and further threatening Relator with sanctions.

27 Given the history, Relator urges the Governments to take timely action and  
 28 immediately intervene or Relator may have no choice but to seek a Default

1 Judgment against Defendants.

2 Dated: February 1, 2024

3 /s/ Alice Chang  
4 Alice Chang, Attorneys for Plaintiff-Relators

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# **Exhibit A**



JONATHAN RADKE

JRADKE@NELSONHARDIMAN.COM

January 31, 2024

**VIA E-MAIL ONLY**

Alice Chang  
13048 Del Monte Dr., Apt. 42F  
Seal Beach, CA 90740  
alicechangjdmva@gmail.com

**Re: Request to Meet and Confer Per L.R. 37-1**  
**U.S. ex rel. Cheongsiatmoy v. USC et al., Case No. 2:18-CV-08311**

Dear Ms. Chang:

We write to meet and confer regarding Relator Justin Cheongsiatmoy's ("Relator") failure to respond to Defendants University of Southern California and USC Care Medical Group, Inc.'s ("Defendants") discovery requests that were served on November 21, 2023. Pursuant to Central District Local Rule 37-1, we request a meet and confer conference to discuss Relator's overdue responses and document production and determine whether the parties can resolve this discovery dispute without court intervention.

On November 21, 2023, USC served Relator with Defendants' First Set of Requests for Admission ("RFA"), (2) First Set of Interrogatories ("Interrogatories"), and (3) First Set of Requests for Production of Documents ("RFP"). Relator's responses to these discovery requests were due on or about December 24, 2023.

On December 12, 2023, Relator sent an email containing a filemail link to his document production (RELATOR0000001-RELATOR0002903) which expired in 7 days, but summarily objected to the other discovery requests. When Defendants' counsel asked you to resend the link on January 10, 2023, you refused, stating, "reproductions are not an acceptable replacement for original production of documents on the date the documents were originally served." Further, you served no written response to the RFPs as required by Federal Rule of Civil Procedure ("FRCP") 34(b)(2).

To date, Relator has provided no responses to the interrogatories and RFAs or served written responses and objections that comply with the FRCP 33 and 36. Additionally, your refusal to resend a link with Relator's document production has no legal basis and violates basic notions of professional courtesy and civility. *See* Fed. R. Civ. Proc., Rules 33, 34, & 36; *see also* Central District Civility and Professionalism Guidelines, Rule 5.

January 31, 2024

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In addition, Relator's apparent objection to discovery absent a "formal meet and confer" concerning settlement is improper and has no effect on Relator's obligation to timely respond to Defendants' discovery requests. As you know, Defendants do not agree to a stay of this action while the parties are engaged in settlement negotiations. Accordingly, Defendants are proceeding with discovery and will be filing a motion to compel Relator's responses to these requests and an award of sanctions if Relator continues to obstruct and abuse the discovery process.

Pursuant to Local Rule 37-1, the parties must confer within ten days of this letter. We are available to meet on February 5, 2024 between 11:00 a.m. and 5:00 p.m.; February 6, 2024 between 11:00 a.m. and 1:00 p.m.; or February 8, 2024 between 11:00 a.m. and 4:00 p.m.

Please let us know when you are available and we will schedule a meet and confer conference. We look forward to hearing from you.

Sincerely,

NELSON HARDIMAN, LLP

*/s/ Jonathan Radke*

By: Jonathan Radke